

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

BRANDY PITTMAN,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Defendants.

Case No: C 11-3443 SBA


**ORDER DENYING PETITIONER'S
MOTION FOR APPOINTMENT OF
COUNSEL**

Docket 21

This matter is before the Court on Petitioner Brandy Pittman's motion for appointment of counsel. The Sixth Amendment's right to counsel does not apply in habeas corpus actions. See Knaubert v. Goldsmith, 791 F.2d 722, 728 (9th Cir. 1986). However, 18 U.S.C. § 3006A(a)(2)(B) authorizes a district court to appoint counsel to represent a habeas petitioner whenever "the court determines that the interests of justice so require" and such person is financially unable to obtain representation. The decision to appoint counsel is within the discretion of the district court. See Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986). The exercise of such discretion in favor of appointing counsel generally is reserved for cases where exceptional circumstances are present. See generally 1 J. Liebman & R. Hertz, Federal Habeas Corpus Practice and Procedure § 12.3b at 383-86 (2d ed.1994). Here, Petitioner has not shown that there are exceptional circumstances warranting the appointment of counsel. Accordingly, her motion for the appointment of counsel is DENIED. This Order terminates Docket 21.

IT IS SO ORDERED.

Dated: September 28, 2012


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 USA,

5 Plaintiff,

6 v.

7 BRANDY PITTMAN et al,
8 Defendant.
9 _____/

10 Case Number: CV11-03443 SBA

11 **CERTIFICATE OF SERVICE**

12
13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
14 Court, Northern District of California.

15 That on October 1, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
17 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
18 located in the Clerk's office.

19
20 Brandy Pittman 34427-086
21 FCI Dublin
22 5701 8th Street - Camp Parks
23 Dublin, CA 94568

24 Dated: October 1, 2012

Richard W. Wieking, Clerk

25 By: Lisa Clark, Deputy Clerk
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27
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